



U.S. Department of Justice

United States Attorney
Southern District of New York

MEMORANDUM ENDORSED

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

August 5, 2020

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VIA ECF

The Honorable Gregory H. Woods
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007


Re: *United States v. Acevedo Molina*, 20 Cr. 217 (GHW)

Dear Judge Woods:

The Government respectfully writes on behalf of the parties to request that the Court schedule a change of plea hearing in the above-referenced case. As the Court is aware, under the CARES Act, a plea proceeding may take place by video- or teleconference, with the consent of the defendant and a finding by the district court judge that further delay of the proceeding will result in serious harm to the interests of justice. In this case, the defendant consents to a remote plea. According to the stipulated Guidelines calculation in the defendant's plea agreement, the defendant faces a Guidelines range of 27 to 33 months' incarceration. The Government understands that defense counsel expects to argue for a sentence of time served based on several factors, including the nature of the offense, the defendant's role in the offense, and the defendant's lack of criminal history. Although the Government currently intends to argue that a sentence within the Guidelines range is appropriate, the Government agrees that a potential sentence of time served may serve as an adequate basis for a remote proceeding under the CARES Act. Accordingly, if Court is inclined to take the plea remotely, the parties respectfully request that the Court make the necessary CARES Act finding at the beginning of the proceeding, allowing the plea to proceed by video- or teleconference. If the Court is inclined to take the plea in person, the parties respectfully request that the Court schedule the plea for the week of September 8, 2020, or a convenient date thereafter.

Respectfully submitted,

AUDREY STRAUSS
Acting United States Attorney

By: 
Timothy Capozzi
Assistant United States Attorney

cc: Mark Gombiner, Esq.

Application granted. The Court will hold a change of plea hearing on September 8, 2020 at 2:30 p.m. in Courtroom 12C, Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, NY 10007.

SO ORDERED
August 12, 2020


GREGORY H. WOODS
United States District Judge